

## **SCPD POLICY AND LAW COMMITTEE MEETING MINUTES**

**May 20, 2019**

**Fenwick Room, DelDOT Administration Building, Dover**

**Members Present:** Marge Turner, Co-Chair/DSAAPD; Gene Aucott, Easter Seals; Kathie Cherry, GACEC; Moni Edgar, UCP-CAP; Linda Heller, HLADE; Robert Overmiller, Council on Aging; Lauren Reynolds, FCIL-DE; Todd Webb, Chair/SCPD; Laura Waterland, DLP; Despina Wilson, IRI, Inc.; Kyle Hodges, Staff and Jo Singles, Support Staff.

**Guest:** Representative Paul Baumbach

### **CALL TO ORDER**

Marge called the meeting to order at 10:18 am. Introductions were made.

### **ADDITIONS OR DELETIONS TO THE AGENDA**

Update of PAS (Personal Attendant Services) - Kyle

### **APPROVAL OF MINUTES**

Gene made a motion to approve the minutes of April 11, 2019 as submitted. Moni seconded the motion. The minutes were approved as submitted, with Robert and Laura abstaining since they were not present. No one had revisions.

### **REVIEW OF REGULATIONS AND LEGISLATION**

Laura reviewed the DLP Analysis (handout).

#### **Regulations**

1. Proposed DOE Regulation Regarding Teacher Appraisal Process, 22 Del. Register of Regulation 894, 897 (May 1, 2019) – No action taken.
2. Proposed OCCL Proposed Amendments to Regulations for Child Placing Agencies, 22 Del. Register of Regulations 933 (May 1, 2019) – Laura made a motion that the SCPD ask for further clarification in certain areas consistent with the memo to ensure that, in part, the requirements are not construed to disqualify potential foster families in which a parent or other household member has a disability, and to clarify placement considerations for children with “severe” disabilities, Moni seconded the motion. The motion was carried, with no one opposing or abstaining. Laura spoke about SB 103 introduced last week whereby OCCL would be transferred from DSCYF to DOE.
3. Proposed Amendment to DDOE Regulation on Initial Licensure for educators, 22 Del. Register of Regulations 899 (May 1, 2019) – No action taken.

4. Proposed Amendment to DDOE Regulation on Continuing Licensure for educators, 22 Del. Register of Regulations 901 (May 1, 2019) – No action taken.

#### Pending Bills

House Bill 120 Rental Tax Credit – Laura made a motion that the SCPD share concern and request that this bill be amended to eliminate the potential ambiguities and pertain to a wider section of the population consistent with the DLP Memo. This bill is an attempt to offer renters a tax credit, couched in terms of a property tax. Todd seconded the motion. The motion was approved, with no one opposing or abstaining.

HS 1 for HB 123 Limited Guardianship and SCR 30 – Marge stated that HB 123 should be read in conjunction with SCR 30, which creates the “Non-Acute patient medical Guardianship Task Force.” Kyle stated that SCR 30 has passed both the House and the Senate. HS 1 for HB 123 has passed the House. Kyle has contacted Senator Poore regarding SCR 30 recommending more disability representation on the Task Force. He said that the Delaware Disabilities Council is referenced in the resolution, and is not clear if it is DDC. He added that DDC currently does not have an Executive Director. Kyle made recommendations that the SCPD and the DLP should be involved, along with representation from the mental health community and the developmental disability community. He is waiting for a response. Laura made a motion to send a letter stating that, although the intent of the legislation (HS 1 for HB 123) is good, the SCPD has observations consistent with the DLP Memo. Despina seconded the motion. The motion was carried with Marge abstained and no one opposing. Laura stated that there needs to be outreach to DDDS regarding implementation. Linda commented the social worker in the hospital works with the person to get them to a rehab or nursing home. If they lose coverage, what do they do? There needs to be a relationship with the social workers in the hospital and Medicaid so connections can be made for a family in crisis. Marge added that she thinks this happens, but when the person enters another facility, the hospital social worker is no longer involved. Laura added that the hospital social worker could do more to facilitate the Medicaid application process. She noted that guardianship is a huge civil rights issue and you want assurances that the person is incapacitated. Gene commented that the guardianship needs to be involved in assisting with the Medicaid application. Lauren commented that families live out of state and do not have the capacity to serve as representative payee and many people do not have any known family. Several examples were given about this.

SB 65 Creation of the Focus on Alternative Skills Training Program – Laura made a motion that the SCPD support the legislation and support ways to make the program available to more individuals, including removing the requirement that eligible individuals must have enrolled in an approved program no later than 18 months following their graduation from high school consistent with the DLP Memo. Todd seconded the motion. Todd commented that not all 18 and 19 year olds know what they want to do after high school graduation. Lauren commented that the current allotment is a million dollars and will be subject to review after two years. Kathie noted that this is on a first-come, first-served basis. Kathie commented that the GACEC Transition Services Committee would most likely review this bill. Todd commented that any opportunity to provide skills based training for individuals with disabilities is welcome. He spoke about Project Search and that 9 of the interns have secured employment before completion

of their internship. He noted the vast improvement from when they start and when they complete the internship. He added that this is a pipeline for businesses to have skilled labor. The motion was carried with Moni abstaining and no one opposing.

SB 71 Pharmacy Benefit Managers and Pharmacy Ownership – Laura made a motion that the SCPD endorse the Section 1 of SB 71 and ask for additional explanation regarding Section 2 and the rationale behind the pharmacy ownership requirement consistent with the DLP Memo. Todd seconded the motion. Laura added that this would not have a huge impact since Delaware has so many corporate pharmacies and current pharmacy holders would not be subject to new rules. The motion was approved with no one abstaining or opposing.

SB 78 Consent Training as Part of Health Education in Schools – Laura made a motion that the SCPD endorse the legislation because it is an important step in developing skills for Delaware's teens with disabilities. Despina seconded the motion. The motion was approved with no one abstaining or opposing.

Senate Bill 81 License to Practice Dentistry – Laura made a motion to endorse this legislation since it will allow qualified dentists who otherwise would not be able to practice for the Division of Public Health to practice under a temporary license and service children on Medicaid, who are underserved in terms of dental care. Linda seconded the motion. The motion was approved with no one abstaining or opposing.

SB 92 Medicaid Dental Benefit for Adults – Laura made a motion that the SCPD strongly support this legislation as it aligns squarely with core priorities and will greatly expand this important benefit to many constituencies. Moni seconded the motion. The motion was carried with no one opposing or abstaining. Laura noted that the co-pay was \$10 and is now reduced to \$3 based on preliminary comments sent to the prime sponsor. Also, we were able to get broader language. Kyle noted that advocacy is not finished. There is a fiscal note. Laura added that this legislation has great impact on the elderly population and persons with disabilities. Linda added that the AARP and Delaware League of Women Voters have also endorsed this legislation. A meeting was scheduled with Representative Johnson. They met with his legislative aide since he was pulled away to a JFC meeting. There will be follow-up with Representative Johnson. There was a meeting with Senators Hansen and Townsend and both are supporting this legislation. Kyle thanked Representative Baumbach for his support on this legislation and others mentioned today. Todd recommended that individuals send letters to the JFC as soon as possible. Representative Baumbach suggested having two legislators on the JFC who will take this up. Kyle asked Lauren to follow-up with legislators in Middletown in her role with Freedom Center for Independent Living. Kyle will follow-up with some of the JFC members.

## **LEGISLATIVE UPDATE**

None

## **OTHER BUSINESS**

Kyle spoke about the issue of reducing the PAS (Personal Attendant Services) Waiting List. He had provided information to Senator Poore and Mike Jackson after a meeting with them, Terri

Hancharick and himself. He added that Gene (Easter Seals) and JEVS also provided good information. Kyle stated information he received from Dava Newnam, DSAAPD showed that the current waiting list (as of April 22) is 247, with 203 being high priority, with the rest being medium or low priority. The cost to reduce this waiting list is about \$3M. Kyle stated that we are looking to reduce the waiting list. He will follow-up on this issue and dental coverage for adults receiving Medicaid. Gene spoke about his experience in working in Maryland. He stated that there will be a great need in finding attendants. He noted that Maryland is raising the minimum wage to \$15 an hour but they are NOT going to pay attendants that amount. They actually have a provision in the minimum wage law that exempts direct support professionals. He also spoke of upcoming electronic verification. He said that this has caused much confusion and the challenge of executing it by the end of the year.

Representative Baumbach provided a copy of a Memo from Debbie Gottschalk (Legislative Attorney) which presented the following question:

Does a Delaware resident who is terminally ill and in the last 6 months of life meet the definition of being disabled so that SCPD has standing to offer an opinion on HB 140?

He realizes there are several people in the Delaware disabilities community that have strong opinions regarding the legislation. Representative Baumbach asked a legislative attorney to conduct research as how the ADA defines disabilities, excluding those that are transitory, which is defined as being less than six months. The bill defines terminal illness as those with a less than six-month prognosis. He submitted that statutorily, his bill, is outside of the scope of organizations that fall under ADA. He wanted to share this document with organizations and wanted to encourage those disability communities who do not like this bill to continue to advocate against the bill, but also encourages them to respect the role of organizations and not cross over and use their personal views to present them as a disability issue.

Robert asked that the Policy & Law meetings be moved to Monday morning. Kathie suggested that meetings in January through June could be moved to the mornings (during the legislative session). Lauren commented that having both Policy & Law and SCPD meeting on the same day is beneficial to her. Robert said that GACEC does all committee meetings on the same day with one meeting being an hour and the other being an hour and a half. Kyle commented that these were good suggestions. This will be discussed further.

## **ANNOUNCEMENTS**

None

## **PUBLIC COMMENT**

None

## **ADJOURNMENT**

The meeting adjourned at 11:48 am.

Respectfully submitted,

Jo Singles  
Support Staff  
policy & law/min 5-20-19